



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-016177

ARG:sac:rs

in
11/13

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

converted to
budget draft

No changes

1

do not gen
AN ACT ...; relating to: sponsorship and partnership agreements.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

Under current law, DOT is responsible for maintenance of the state trunk highway system. Maintenance activities include snow and ice control, vegetation management, and other operations required on a continuing basis to preserve state highways or to provide adequate traffic service. For purposes of DOT's maintenance activities, bikeways established by DOT are considered state trunk highways. Also under current law, DOT may construct and maintain certain roadside improvements along or close to state trunk highways, including rest areas, overlooks, turnouts, and windbreak hedges.

This bill allows DOT to enter into sponsorship agreements under which DOT displays advertising, promotional, or sponsorship material, or other information, associated with the sponsor at locations owned or controlled by DOT in exchange for the sponsor's payment of fees or provision of services, including maintenance services, to DOT. The bill also allows DOT to enter into partnership agreements under which DOT authorizes a partner to engage in commercial activity at locations owned or controlled by DOT in exchange for the partner's payment of fees or provision of services, including maintenance services, to DOT. A sponsor or partner may be a public or private entity or an individual. All fees received by DOT under the agreement may be used by DOT for the following: 1) the maintenance and repair of state trunk highways, state highway roadside improvements, and certain bridges.

that are not on the state trunk highway system; 2) other highway operations relating to the maintenance of state trunk highways, state highway roadside improvements, and certain bridges that are not on the state trunk highway system; 3) maintenance activities carried out under contract with county highway committees or municipalities; 4) the issuance of oversize vehicle permits; and 5) DOT's disadvantaged business demonstration and training program. The contract for any sponsorship agreement or partnership agreement entered into by DOT must be awarded on the basis of competitive proposals to the person submitting the most advantageous competitive proposal, as determined by DOT.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.395 (3) (eg) of the statutes is created to read:

2 20.395 (3) (eg) *Supplement from sponsorship and partnership agreements,*
3 *state funds.* From the general fund, all moneys received under s. 84.01 (36) (d) for
4 any purpose described in s. 20.395 (3) (eq) or (es).

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

 ***NOTE: This provision depends on the enactment of s. 20.395 (3) (es), created in LRB-0254, which is also a DOT agency budget draft. If LRB-0254 is not included in the budget, this provision will need to be revised. I should also note that s. 20.395 (3) (eq) is modified in LRB-0254, but the analysis in this bill does not reflect that modification.

5 **SECTION 2.** 25.40 (1) (a) 30. of the statutes is created to read:

6 25.40 (1) (a) 30. Fees received under s. 84.01 (36) (d) that are deposited in the
7 general fund and credited to the appropriation account under s. 20.395 (3) (eg).

8 **SECTION 3.** 84.01 (36) of the statutes is created to read:

9 84.01 (36) SPONSORSHIP AND PARTNERSHIP AGREEMENTS. (a) In this subsection:

10 1. "Partner" means any person, whether public or private, that enters into an
11 agreement with the department under par. (c).

12 2. "Sponsor" means any person, whether public or private, that enters into an
13 agreement with the department under par. (b).

1 (b) Notwithstanding s. 86.19 (1), the department may enter into sponsorship
2 agreements under which the department displays advertising, promotional, or
3 sponsorship material, or other information, associated with the sponsor at locations
4 owned or controlled by the department in exchange for the sponsor's payment of fees
5 or provision of services to the department.

6 (c) Notwithstanding s. 84.25 (11), the department may enter into partnership
7 agreements under which the department authorizes a partner to engage in
8 commercial activity at locations owned or controlled by the department in exchange
9 for the partner's payment of fees or provision of services to the department.

10 (d) All fees received under this subsection shall be deposited in the general fund
11 and credited to the appropriation account under s. 20.395 (3) (eg).

12 (e) For each agreement under par. (b) or (c), the contract shall be awarded on
13 the basis of competitive proposals in accordance with procedures established by the
14 department. Requests for proposals shall be advertised in the manner determined
15 by the department. Each contract shall be awarded to the person submitting the
16 most advantageous competitive proposal as determined by the department. If the
17 proposal of the person submitting the most advantageous competitive proposal is
18 determined by the department to be less than the estimated reasonable value to the
19 department or not in the public interest, the department may reject all proposals.
20 The secretary shall enter into each contract on behalf of the state. Every such
21 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but
22 ss. 16.528, 16.752, 16.753, and 16.754 apply to the contract.

23 **SECTION 4.** 84.07 (1) of the statutes is amended to read:

24 84.07 (1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY. The Subject
25 to sub. (1r), the state trunk highway system shall be maintained by the state at state

1 expense. The department shall prescribe by rule specifications for such maintenance
2 and may contract with any county highway committee or municipality to have all or
3 certain parts of the work of maintaining the state trunk highways within or beyond
4 the limits of the county or municipality, including interstate bridges, performed by
5 the county or municipality, and any county or municipality may enter into such
6 contract. General maintenance activities include the application of protective
7 coatings, the removal and control of snow, the removal, treatment and sanding of ice,
8 interim repair of highway surfaces and adjacent structures, and all other operations,
9 activities and processes required on a continuing basis for the preservation of the
10 highways on the state trunk system, and including the care and protection of trees
11 and other roadside vegetation and suitable planting to prevent soil erosion or to
12 beautify highways pursuant to s. 66.1037, and all measures deemed necessary to
13 provide adequate traffic service. Special maintenance activities include the
14 restoration, reinforcement, complete repair or other activities which the department
15 deems are necessary on an individual basis for specified portions of the state trunk
16 system. Maintenance activities also include the installation, replacement,
17 rehabilitation, or maintenance of highway signs, traffic control signals, highway
18 lighting, pavement markings, and intelligent transportation systems. The
19 department may contract with a private entity for services or materials or both
20 associated with the installation, replacement, rehabilitation, or maintenance of
21 highway signs, traffic control signals, highway lighting, pavement markings, and
22 intelligent transportation systems.

23 **SECTION 5.** 84.07 (1r) of the statutes is created to read:

24 84.07 (1r) SPONSORSHIP AND PARTNERSHIP AGREEMENTS. The department may
25 enter into sponsorship and partnership agreements under s. 84.01 (36) that require

1 the sponsor or partner to perform maintenance activities, in accordance with the
2 department's standards, for the benefit of the department.

3 **SECTION 6.** 84.29 (5) of the statutes is amended to read:

4 84.29 (5) CONSTRUCTION OF GRADE SEPARATIONS AT INTERSECTIONS. In the
5 furtherance of the public interest and general welfare of the state and the traveling
6 public in the development of the interstate system, the department is authorized and
7 empowered to construct grade separations at intersections of any interstate highway
8 with other public highways and railroads and to change and adjust the lines of public
9 highways and if necessary combine or relocate the same to adjust traffic service to
10 grade separation structures. The entire cost of grade separations and relocations
11 and alterations of local roads as so determined by the department shall be a part of
12 the construction of and financed as a part of the cost of the interstate highway. The
13 department may by agreement with a county or municipality or by order summarily
14 vacate or relocate any town, county, city or village highway as part of the construction
15 of an interstate highway but shall pay any damage legally payable under existing
16 law to any property owner directly injured by the vacation or relocation of such street
17 or highway. The department is empowered to enter into agreement with the unit of
18 government having jurisdiction over the local highway relocated or altered as a part
19 of the interstate highway improvement with respect to maintenance thereof, and in
20 the absence of mutual agreement to the contrary, such relocated or altered highway
21 shall be maintained by the unit of government having jurisdiction thereof before it
22 was so relocated or altered, except any parts thereof which the department
23 determines to be useful in the operation of or for access to the interstate highway,
24 which parts shall be maintained by the state, subject to s. 84.07 (1r), as a part of the
25 interstate highway. The action by the department relative to vacation and relocation

1 or combining a public highway under jurisdiction of any county, town, city or village
2 shall be conclusive.

3 **SECTION 7.** 84.295 (6) of the statutes is amended to read:

4 84.295 (6) CONSTRUCTION OF GRADE SEPARATIONS AT INTERSECTIONS. In the
5 furtherance of the public interest and general welfare of the state and the traveling
6 public in the development of freeways or expressways, the department is authorized
7 and empowered to construct grade separations at intersections of any freeway or
8 expressway with other public highways and railroads and to change and adjust the
9 lines of public highways and if necessary combine, relocate or extend the same to
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11 separations and relocations, alterations or extensions of local roads as so determined
12 by the department shall be a part of the construction of and financed as a part of the
13 cost of the freeway or expressway. The department may by agreement with a county
14 or municipality or by order summarily vacate or relocate any town, county, city or
15 village highway as part of the construction of a freeway or expressway but shall pay
16 any damage legally payable under existing law to any property owner directly
17 injured by the vacation or relocation of such street or highway. The department is
18 empowered to enter into agreement with the units of government having jurisdiction
19 over a local highway relocated, altered or extended as a part of the freeway or
20 expressway improvement with respect to maintenance thereof, and in the absence
21 of mutual agreement to the contrary, such relocated, altered or extended highway
22 shall be maintained by the unit of government having jurisdiction thereof before it
23 was so relocated, altered or extended, except any parts thereof which the department
24 determines to be useful in operation of or for access to the freeway or expressway,
25 including structures over the freeway or expressway, which parts shall be

1 maintained by the state, subject to s. 84.07 (1r), as a part of the freeway or
2 expressway. The action by the department relative to vacation, relocation, extension
3 or combining of a public highway under jurisdiction of any county, town, city or
4 village shall be conclusive.

5 (END)

Gary, Aaron

From: Byrnes, Tyler - DOA <Tyler.Byrnes@wisconsin.gov>
Sent: Tuesday, January 22, 2013 1:48 PM
To: Gary, Aaron
Subject: RE: LRB - 0161/1 Sponsorship Agreements

Aaron,

Why don't you make the change adding the cross reference s. 86.191. I don't think the other references are necessary.

Thanks,

Tyler

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Friday, January 18, 2013 9:14 AM
To: Byrnes, Tyler - DOA
Subject: RE: LRB - 0161/1 Sponsorship Agreements

Thanks Tyler. The other thing is that I did not include s. 86.191 in the cross-references because that statute allows the highway authority to approve it, so DOT would simply approve the sign. However, I suppose it is possible that one of the two highways might not be under DOT's control, so perhaps a reference to s. 86.191 is advisable.

The specific instructions DOT provided have some problems. Can I discuss this directly with DOT?

Thanks.

Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]
Sent: Thursday, January 17, 2013 5:02 PM
To: Gary, Aaron
Subject: RE: LRB - 0161/1 Sponsorship Agreements

Aaron – OGC review it. I'm not sure why they decided they needed these changes at this point. I was told back in November by DOT that this draft was final after they worked on it.

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Thursday, January 17, 2013 4:34 PM
To: Byrnes, Tyler - DOA
Subject: RE: LRB - 0161/1 Sponsorship Agreements

Hi Tyler,

Items 1., 3., and 4. are not necessary. The draft already provides exceptions to 86.19 (1) and 84.25 (11). See the "notwithstanding" language that begins lines 3 and 8 on p. 3.

The draft provides wide latitude to DOT to determine what the terms of the contract are – including allowing erection of advertising signs in ROWs and allowing commercial enterprises. The draft also allows DOT to specify, under the terms of the contracts, that all signs must comply with the MUTCD and federal law.

Looking at DOT's comments, I think the only change that is needed is that s. 86.191 (1) should be added to the 86.19 (1) cross-reference at p. 3, line 3.

Has DOT OGC reviewed this? Is there a reason why DOT, after all this time, now believes the "notwithstanding" language is insufficient? I believe that the way it is now drafted (/1) is quite sufficient, but if DOT insists on accomplishing the same result with a different approach, I could do that too.

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Byrnes, Tyler - DOA [<mailto:Tyler.Byrnes@wisconsin.gov>]

Sent: Tuesday, January 15, 2013 3:27 PM

To: Gary, Aaron

Subject: LRB - 0161/1 Sponsorship Agreements

Aaron,

Could you make the following changes to the sponsorship agreements draft:

1. Provide an exception for signs erected via sponsorship agreements to s. 86.19, which limits signs that may be placed in the highway right-of-way to only those that are necessary for guidance or warning of traffic.
2. Provide an exception to 86.191 that allows signs erected under a sponsorship agreement to be erected within 1000 feet of an intersection.
3. Provide an exception to 84.25(11) that allows commercial enterprises to be located within controlled access highways if they are located there via a sponsorship agreement with the department.
4. All exceptions to state statutes granted should reference the fact that signs and commercial enterprises cannot be placed where they would be in violation of federal law or the Manual on Uniform Traffic Control Devices, as adopted under s. 84.02(4)(e)..

Here is some suggested language provided by the department:

SECTION 5M. 84.25(11) of the statutes is amended to read:

84.25(11) COMMERCIAL ENTERPRISES. No commercial enterprise, except a vending facility which is licensed by the department of workforce development and operated by blind or visually impaired persons, or a commercial enterprise exempted from this subsection by an agreement under ss. 84.01 (30) (g), 84.01(36)(b) or 84.07(1r), shall be authorized or conducted within or on property acquired for or designated as a controlled-access highway.

On page 7, after line 4, insert:

SECTION 8. 86.19(1m) of the statutes is renumbered 86.19(1m) (a) and 86.19(1m)(b) is created to read:

86.19(1m)(b) Notwithstanding sub. (1), the department may permit the erection of signs that acknowledge sponsorship of a highway rest area or facility or other location owned or controlled by the department pursuant to ss. 84.01(36)(b) or

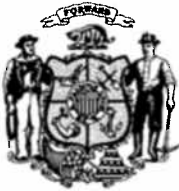
84.07(1r), except that no sign may be placed in violation of federal law or any manual adopted by the department under s. 84.02(4)

SECTION 9. 86.191(1m) of the statutes is created to read:

86.191(1m) Notwithstanding sub. (1), the department may permit the erection of signs acknowledging sponsorship of a highway rest area or facility or other location owned or controlled by the department pursuant to ss. 84.01(36)(b) or 84.07(1r), except that no sign may be placed in violation of federal law or any manual adopted by the department under s. 84.02(4)

Thanks,

Tyler



State of Wisconsin
2013 - 2014 LEGISLATURE

in
1/23



LRB-0161/2
ARG:sac:617
RMR

DOA:.....Byrnes, BB0235 – Appropriation and operational changes allowing sponsorship agreements

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

One change - p. 3

1 *do not go* **AN ACT** ...; relating to: sponsorship and partnership agreements.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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10 1. "Partner" means any person, whether public or private, that enters into an
11 agreement with the department under par. (c).

1 2. "Sponsor" means any person, whether public or private, that enters into an
2 agreement with the department under par. (b). *and 86.191(1)*

3 (b) Notwithstanding ^s ~~s.~~ 86.19 (1), the department may enter into sponsorship
4 agreements under which the department displays advertising, promotional, or
5 sponsorship material, or other information, associated with the sponsor at locations
6 owned or controlled by the department in exchange for the sponsor's payment of fees
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14 beautify highways pursuant to s. 66.1037, and all measures deemed necessary to
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5 **SECTION 6.** 84.29 (5) of the statutes is amended to read:

6 84.29 (5) CONSTRUCTION OF GRADE SEPARATIONS AT INTERSECTIONS. In the
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8 public in the development of the interstate system, the department is authorized and
9 empowered to construct grade separations at intersections of any interstate highway
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13 and alterations of local roads as so determined by the department shall be a part of
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18 law to any property owner directly injured by the vacation or relocation of such street
19 or highway. The department is empowered to enter into agreement with the unit of
20 government having jurisdiction over the local highway relocated or altered as a part
21 of the interstate highway improvement with respect to maintenance thereof, and in
22 the absence of mutual agreement to the contrary, such relocated or altered highway
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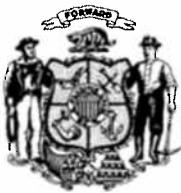
1 which parts shall be maintained by the state, subject to s. 84.07 (1r), as a part of the
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4 shall be conclusive.

5 **SECTION 7.** 84.295 (6) of the statutes is amended to read:

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7 (END)



State of Wisconsin
2013 - 2014 LEGISLATURE

in
2/13



LRB-0161/3

ARG:sac:s

D-Note

RMR

DOA:.....Byrnes, BB0235 – Appropriation and operational changes allowing sponsorship agreements

FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION

1 AN ACT *do not gen*; relating to: sponsorship and partnership agreements.

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20.395 (3) (eg) *Supplement from sponsorship and partnership agreements, state funds.* From the general fund, all moneys received under s. 84.01 (36) (d) for any purpose described in s. 20.395 (3) (eq) or (es).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

****NOTE: This provision depends on the enactment of s. 20.395 (3) (es), created in LRB-0254, which is also a DOT agency budget draft. If LRB-0254 is not included in the budget, this provision will need to be revised. I ~~should also~~ note that s. 20.395 (3) (eq) is modified in LRB-0254, ~~but~~ the analysis in this bill ~~does not~~ reflect that modification.

SECTION 2. 25.40 (1) (a) ~~30~~ of the statutes is created to read:

25.40 (1) (a) ~~30~~ ³¹. Fees received under s. 84.01 (36) (d) that are deposited in the general fund and credited to the appropriation account under s. 20.395 (3) (eg).

SECTION 3. 84.01 (36) of the statutes is created to read:

84.01 (36) SPONSORSHIP AND PARTNERSHIP AGREEMENTS. (a) In this subsection:

1. "Partner" means any person, whether public or private, that enters into an agreement with the department under par. (c).

as well as the text of created s. 20.39 (3) (es)

1 2. "Sponsor" means any person, whether public or private, that enters into an
2 agreement with the department under par. (b).

3 (b) Notwithstanding ss. 86.19 (1) and 86.191 (1), the department may enter into
4 sponsorship agreements under which the department displays advertising,
5 promotional, or sponsorship material, or other information, associated with the
6 sponsor at locations owned or controlled by the department in exchange for the
7 sponsor's payment of fees or provision of services to the department.

8 (c) Notwithstanding s. 84.25 (11), the department may enter into partnership
9 agreements under which the department authorizes a partner to engage in
10 commercial activity at locations owned or controlled by the department in exchange
11 for the partner's payment of fees or provision of services to the department.

12 (d) All fees received under this subsection shall be deposited in the general fund
13 and credited to the appropriation account under s. 20.395 (3) (eg).

14 (e) For each agreement under par. (b) or (c), the contract shall be awarded on
15 the basis of competitive proposals in accordance with procedures established by the
16 department. Requests for proposals shall be advertised in the manner determined
17 by the department. Each contract shall be awarded to the person submitting the
18 most advantageous competitive proposal as determined by the department. If the
19 proposal of the person submitting the most advantageous competitive proposal is
20 determined by the department to be less than the estimated reasonable value to the
21 department or not in the public interest, the department may reject all proposals.
22 The secretary shall enter into each contract on behalf of the state. Every such
23 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87 and 16.89, but
24 ss. 16.528, 16.752, 16.753, and 16.754 apply to the contract.

25

SECTION 4. 84.07 (1) of the statutes is amended to read:

84.07 (1) STATE EXPENSE; WHEN DONE BY COUNTY OR MUNICIPALITY. The Subject
to sub. (1r), the state trunk highway system shall be maintained by the state at state
expense. The department shall prescribe by rule specifications for such maintenance
and may contract with any county highway committee or municipality to have all or
certain parts of the work of maintaining the state trunk highways within or beyond
the limits of the county or municipality, including interstate bridges, performed by
the county or municipality, and any county or municipality may enter into such
contract. General maintenance activities include the application of protective
coatings, the removal and control of snow, the removal, treatment and sanding of ice,
interim repair of highway surfaces and adjacent structures, and all other operations,
activities and processes required on a continuing basis for the preservation of the
highways on the state trunk system, and including the care and protection of trees
and other roadside vegetation and suitable planting to prevent soil erosion or to
beautify highways pursuant to s. 66.1037, and all measures deemed necessary to
provide adequate traffic service. Special maintenance activities include the
restoration, reinforcement, complete repair or other activities which the department
deems are necessary on an individual basis for specified portions of the state trunk
system. Maintenance activities also include the installation, replacement,
rehabilitation, or maintenance of highway signs, traffic control signals, highway
lighting, pavement markings, and intelligent transportation systems. The
department may contract with a private entity for services or materials or both
associated with the installation, replacement, rehabilitation, or maintenance of
highway signs, traffic control signals, highway lighting, pavement markings, and
intelligent transportation systems.

SECTION 5. 84.07 (1r) of the statutes is created to read:

1 **84.07 (1r) SPONSORSHIP AND PARTNERSHIP AGREEMENTS.** The department may
2 enter into sponsorship and partnership agreements under s. 84.01 (36) that require
3 the sponsor or partner to perform maintenance activities, in accordance with the
4 department's standards, for the benefit of the department.

5 **SECTION 6.** 84.29 (5) of the statutes is amended to read:

6 **84.29 (5) CONSTRUCTION OF GRADE SEPARATIONS AT INTERSECTIONS.** In the
7 furtherance of the public interest and general welfare of the state and the traveling
8 public in the development of the interstate system, the department is authorized and
9 empowered to construct grade separations at intersections of any interstate highway
10 with other public highways and railroads and to change and adjust the lines of public
11 highways and if necessary combine or relocate the same to adjust traffic service to
12 grade separation structures. The entire cost of grade separations and relocations
13 and alterations of local roads as so determined by the department shall be a part of
14 the construction of and financed as a part of the cost of the interstate highway. The
15 department may by agreement with a county or municipality or by order summarily
16 vacate or relocate any town, county, city or village highway as part of the construction
17 of an interstate highway but shall pay any damage legally payable under existing
18 law to any property owner directly injured by the vacation or relocation of such street
19 or highway. The department is empowered to enter into agreement with the unit of
20 government having jurisdiction over the local highway relocated or altered as a part
21 of the interstate highway improvement with respect to maintenance thereof, and in
22 the absence of mutual agreement to the contrary, such relocated or altered highway
23 shall be maintained by the unit of government having jurisdiction thereof before it
24 was so relocated or altered, except any parts thereof which the department
25 determines to be useful in the operation of or for access to the interstate highway,

1 which parts shall be maintained by the state, subject to s. 84.07 (1r), as a part of the
2 interstate highway. The action by the department relative to vacation and relocation
3 or combining a public highway under jurisdiction of any county, town, city or village
4 shall be conclusive.

5 **SECTION 7.** 84.295 (6) of the statutes is amended to read:

6 84.295 (6) CONSTRUCTION OF GRADE SEPARATIONS AT INTERSECTIONS. In the
7 furtherance of the public interest and general welfare of the state and the traveling
8 public in the development of freeways or expressways, the department is authorized
9 and empowered to construct grade separations at intersections of any freeway or
10 expressway with other public highways and railroads and to change and adjust the
11 lines of public highways and if necessary combine, relocate or extend the same to
12 adjust traffic service to grade separation structures. The entire cost of grade
13 separations and relocations, alterations or extensions of local roads as so determined
14 by the department shall be a part of the construction of and financed as a part of the
15 cost of the freeway or expressway. The department may by agreement with a county
16 or municipality or by order summarily vacate or relocate any town, county, city or
17 village highway as part of the construction of a freeway or expressway but shall pay
18 any damage legally payable under existing law to any property owner directly
19 injured by the vacation or relocation of such street or highway. The department is
20 empowered to enter into agreement with the units of government having jurisdiction
21 over a local highway relocated, altered or extended as a part of the freeway or
22 expressway improvement with respect to maintenance thereof, and in the absence
23 of mutual agreement to the contrary, such relocated, altered or extended highway
24 shall be maintained by the unit of government having jurisdiction thereof before it
25 was so relocated, altered or extended, except any parts thereof which the department

1 determines to be useful in operation of or for access to the freeway or expressway,
2 including structures over the freeway or expressway, which parts shall be
3 maintained by the state, subject to s. 84.07 (1r), as a part of the freeway or
4 expressway. The action by the department relative to vacation, relocation, extension
5 or combining of a public highway under jurisdiction of any county, town, city or
6 village shall be conclusive.

7 (END)

D Note

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0161/3ins

ARG:4:....



INSERT 4-24:

****NOTE: This draft omits reconciled s. 84.07 (1). The treatment of s. 84.07 (1) that previously appeared in LRB-0161 has been added to LRB-0254.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0161/3dn

ARG:f:....

SAC

- date -

ATTN: Tyler Byrnes

* This draft reconciles LRB-0254^{1/3} and LRB-0161^{1/2}. Both of these drafts should continue to appear in the compiled bill. I have removed the treatment of s. 84.07 (1) from this draft and added it to LRB-0254.

As indicated in previously versions of this draft, the draft contains a cross-reference in created s. 20.395 (3) (eg) to a provision created in LRB-0254 (s. 20.395 (3) (es)). If LRB-0254 is not included in the compiled bill, further reconciliation will be necessary.

Unlike LRB-0161/2, the attached draft includes changes in the analysis that reflect modifications in LRB-0254 to s. 20.395 (3) (eq). If LRB-0254 is not included in the compiled bill, further reconciliation of the analysis will be necessary.

The attached draft also changes the numbering in bill/section^(CS) 2, from s. 25.40 (1) (a) 30. to s. 25.40 (1) (a) 31., to avoid a conflict with another draft.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0161/3dn
ARG:sac:rs

February 13, 2013

ATTN: Tyler Byrnes

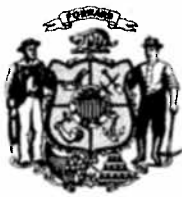
This draft reconciles LRB-0254/3 and LRB-0161/2. Both of these drafts should continue to appear in the compiled bill. I have removed the treatment of s. 84.07 (1) from this draft and added it to LRB-0254.

As indicated in previously versions of this draft, the draft contains a cross-reference in created s. 20.395 (3) (eg) to a provision created in LRB-0254 (s. 20.395 (3) (es)). If LRB-0254 is not included in the compiled bill, further reconciliation will be necessary.

Unlike LRB-0161/2, the attached draft includes changes in the analysis that reflect modifications in LRB-0254 to s. 20.395 (3) (eq). If LRB-0254 is not included in the compiled bill, further reconciliation of the analysis will be necessary.

The attached draft also changes the numbering in bill SECTION 2, from s. 25.40 (1) (a) 30. to s. 25.40 (1) (a) 31., to avoid a conflict with another draft.

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0161/3

ARG:sac:rs

DOA:.....Byrnes, BB0235 – Appropriation and operational changes allowing
sponsorship agreements

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** sponsorship and partnership agreements.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

HIGHWAYS

Under current law, DOT is responsible for maintenance of the state trunk highway system. Maintenance activities include snow and ice control, vegetation management, and other operations required on a continuing basis to preserve state highways or to provide adequate traffic service. For purposes of DOT's maintenance activities, bikeways established by DOT are considered state trunk highways. Also under current law, DOT may construct and maintain certain roadside improvements along or close to state trunk highways, including rest areas, overlooks, turnouts, and windbreak hedges.

This bill allows DOT to enter into sponsorship agreements under which DOT displays advertising, promotional, or sponsorship material, or other information, associated with the sponsor at locations owned or controlled by DOT in exchange for the sponsor's payment of fees or provision of services, including maintenance services, to DOT. The bill also allows DOT to enter into partnership agreements under which DOT authorizes a partner to engage in commercial activity at locations owned or controlled by DOT in exchange for the partner's payment of fees or provision of services, including maintenance services, to DOT. A sponsor or partner

may be a public or private entity or an individual. All fees received by DOT under the agreement may be used by DOT for the following: 1) the maintenance and repair of state trunk highways, state highway roadside improvements, and certain bridges that are not on the state trunk highway system; 2) other highway operations relating to the maintenance of state trunk highways, state highway roadside improvements, and certain bridges that are not on the state trunk highway system; 3) routine maintenance activities performed under contract with DOT; 4) the issuance of oversize vehicle permits; and 5) DOT's disadvantaged business demonstration and training program. The contract for any sponsorship agreement or partnership agreement entered into by DOT must be awarded on the basis of competitive proposals to the person submitting the most advantageous competitive proposal, as determined by DOT.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.395 (3) (eg) of the statutes is created to read:

2 20.395 (3) (eg) *Supplement from sponsorship and partnership agreements,*
3 *state funds.* From the general fund, all moneys received under s. 84.01 (36) (d) for
4 any purpose described in s. 20.395 (3) (eq) or (es).

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

 ****NOTE: This provision depends on the enactment of s. 20.395 (3) (es), created in LRB-0254, which is also a DOT agency budget draft. If LRB-0254 is not included in the budget, this provision will need to be revised. I note that s. 20.395 (3) (eq) is modified in LRB-0254 and the analysis in this bill reflects that modification as well as the text of created s. 20.395 (3) (es).

5 **SECTION 2.** 25.40 (1) (a) 31. of the statutes is created to read:

6 25.40 (1) (a) 31. Fees received under s. 84.01 (36) (d) that are deposited in the
7 general fund and credited to the appropriation account under s. 20.395 (3) (eg).

8 **SECTION 3.** 84.01 (36) of the statutes is created to read:

9 84.01 (36) SPONSORSHIP AND PARTNERSHIP AGREEMENTS. (a) In this subsection:

10 1. "Partner" means any person, whether public or private, that enters into an
11 agreement with the department under par. (c).

1 2. "Sponsor" means any person, whether public or private, that enters into an
2 agreement with the department under par. (b).

3 (b) Notwithstanding ss. 86.19 (1) and 86.191 (1), the department may enter into
4 sponsorship agreements under which the department displays advertising,
5 promotional, or sponsorship material, or other information, associated with the
6 sponsor at locations owned or controlled by the department in exchange for the
7 sponsor's payment of fees or provision of services to the department.

8 (c) Notwithstanding s. 84.25 (11), the department may enter into partnership
9 agreements under which the department authorizes a partner to engage in
10 commercial activity at locations owned or controlled by the department in exchange
11 for the partner's payment of fees or provision of services to the department.

12 (d) All fees received under this subsection shall be deposited in the general fund
13 and credited to the appropriation account under s. 20.395 (3) (eg).

14 (e) For each agreement under par. (b) or (c), the contract shall be awarded on
15 the basis of competitive proposals in accordance with procedures established by the
16 department. Requests for proposals shall be advertised in the manner determined
17 by the department. Each contract shall be awarded to the person submitting the
18 most advantageous competitive proposal as determined by the department. If the
19 proposal of the person submitting the most advantageous competitive proposal is
20 determined by the department to be less than the estimated reasonable value to the
21 department or not in the public interest, the department may reject all proposals.
22 The secretary shall enter into each contract on behalf of the state. Every such
23 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87, and 16.89, but
24 ss. 16.528, 16.752, 16.753, and 16.754 apply to the contract.

****NOTE: This draft omits reconciled s. 84.07 (1). The treatment of s. 84.07 (1) that previously appeared in LRB-0161 has been added to LRB-0254.

1 **SECTION 4.** 84.07 (1r) of the statutes is created to read:

2 **84.07 (1r) SPONSORSHIP AND PARTNERSHIP AGREEMENTS.** The department may
3 enter into sponsorship and partnership agreements under s. 84.01 (36) that require
4 the sponsor or partner to perform maintenance activities, in accordance with the
5 department's standards, for the benefit of the department.

6 **SECTION 5.** 84.29 (5) of the statutes is amended to read:

7 **84.29 (5) CONSTRUCTION OF GRADE SEPARATIONS AT INTERSECTIONS.** In the
8 furtherance of the public interest and general welfare of the state and the traveling
9 public in the development of the interstate system, the department is authorized and
10 empowered to construct grade separations at intersections of any interstate highway
11 with other public highways and railroads and to change and adjust the lines of public
12 highways and if necessary combine or relocate the same to adjust traffic service to
13 grade separation structures. The entire cost of grade separations and relocations
14 and alterations of local roads as so determined by the department shall be a part of
15 the construction of and financed as a part of the cost of the interstate highway. The
16 department may by agreement with a county or municipality or by order summarily
17 vacate or relocate any town, county, city or village highway as part of the construction
18 of an interstate highway but shall pay any damage legally payable under existing
19 law to any property owner directly injured by the vacation or relocation of such street
20 or highway. The department is empowered to enter into agreement with the unit of
21 government having jurisdiction over the local highway relocated or altered as a part
22 of the interstate highway improvement with respect to maintenance thereof, and in
23 the absence of mutual agreement to the contrary, such relocated or altered highway

1 shall be maintained by the unit of government having jurisdiction thereof before it
2 was so relocated or altered, except any parts thereof which the department
3 determines to be useful in the operation of or for access to the interstate highway,
4 which parts shall be maintained by the state, subject to s. 84.07 (1r), as a part of the
5 interstate highway. The action by the department relative to vacation and relocation
6 or combining a public highway under jurisdiction of any county, town, city or village
7 shall be conclusive.

8 **SECTION 6.** 84.295 (6) of the statutes is amended to read:

9 84.295 (6) CONSTRUCTION OF GRADE SEPARATIONS AT INTERSECTIONS. In the
10 furtherance of the public interest and general welfare of the state and the traveling
11 public in the development of freeways or expressways, the department is authorized
12 and empowered to construct grade separations at intersections of any freeway or
13 expressway with other public highways and railroads and to change and adjust the
14 lines of public highways and if necessary combine, relocate or extend the same to
15 adjust traffic service to grade separation structures. The entire cost of grade
16 separations and relocations, alterations or extensions of local roads as so determined
17 by the department shall be a part of the construction of and financed as a part of the
18 cost of the freeway or expressway. The department may by agreement with a county
19 or municipality or by order summarily vacate or relocate any town, county, city or
20 village highway as part of the construction of a freeway or expressway but shall pay
21 any damage legally payable under existing law to any property owner directly
22 injured by the vacation or relocation of such street or highway. The department is
23 empowered to enter into agreement with the units of government having jurisdiction
24 over a local highway relocated, altered or extended as a part of the freeway or
25 expressway improvement with respect to maintenance thereof, and in the absence

1 of mutual agreement to the contrary, such relocated, altered or extended highway
2 shall be maintained by the unit of government having jurisdiction thereof before it
3 was so relocated, altered or extended, except any parts thereof which the department
4 determines to be useful in operation of or for access to the freeway or expressway,
5 including structures over the freeway or expressway, which parts shall be
6 maintained by the state, subject to s. 84.07 (1r), as a part of the freeway or
7 expressway. The action by the department relative to vacation, relocation, extension
8 or combining of a public highway under jurisdiction of any county, town, city or
9 village shall be conclusive.

10 (END)